

**REMARKS**

Claims 1-8 are pending. By this Response, claim 8 is amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-4, 7 and 8 stand rejected under 35 U.S.C. § 103(a) in view of Vermola (U.S. Patent Application Publication No. 2005/0289589) and claims 5 and 6 under 35 U.S.C. § 103(a) in view of Vermola and Morisada et al. (U.S. Patent Application Publication No. 2002/0013946). These rejections are respectfully traversed.

In embodiments of the present invention, service information is included in a broadcast wave from a broadcasting station. The service information includes, among other things, the broadcast target area and the broadcasting station name. In the embodiments of the present invention, the receiving apparatus knows its location based on this received service information relating to the broadcasting station and broadcasting area and thus utilizes channels associated with this broadcasting area based on this information. The service information is received and stored in an organized manner for each area that the receiving apparatus enters.

When the receiving apparatus enters an area it first makes a determination whether the broadcasting wave can be received. If the broadcast wave can be received, then the service information is extracted and stored in a logical manner. Thus, based upon the received broadcast waves and the service information within those broadcast waves, the receiving apparatus knows its location and the various channels that can be used in that location. Vermola fails to teach these features.

Vermola teaches a system similar to the prior art discussed in Applicants' background. Vermola relies upon a service provider to provide a batch of service parameters for a multitude of service providers. The service

parameters are sent separately as information which is then stored and organized but is not part of the broadcast wave. The service parameters are not specifically associated with the location device itself and thus said device must rely upon separate means for determining its location in order to access the appropriate service parameters previously received.

Thus, Vermola receives service parameter information separate from the broadcast wave and broadcast station from which the device is currently occupied. Thus, while it may receive information from various service providers, these service parameters are sent as information data only and not associated with the specific broadcast waves in that particular area. Thus, Vermola does not teach or suggest a broadcast wave which includes a digital video signal, a digital audio signal and also a service information, but the service information indicates at least a channel number, a transmission broadcasting station name and broadcast target area.

Applicants find nothing more than teachings pertaining to general service parameters being preprogrammed or retrieved as separate items from the broadcast wave associated with the current location of the device. This information is separate and distinct from the received broadcast signals associated with the specific broadcast stations and thus in Vermola the device must then separately identify its location by other means. *See paragraph [0016], lines 21-23 and 28-29.*

Furthermore, the Vermola system attains the service parameter information and stores this information. The Vermola system then determines the device's location and then determines what channels can be received based on the stored information and the location identified for the device. This is exactly the problem with the prior art discussed in Applicants' background which leads to delays in determining available service channels.

Applicants' claims do not require the many process steps of Vermola and particularly the identifying of the location of the vehicle based on separate means. In Applicants' claims the location is from local channels obtained quickly and accurately and information obtained at a particular location. This is accomplished by first determining the available channels extracting information from these channels and utilizing this information and other available information related to a location of these channels. There is no separate determination of location of the device because this information is already provided within the broadcast wave. Only stored channels associated with broadcast area and broadcast service station, which is obtained from the service information within the broadcast wave, are then provided to the user.

Applicants note that although the Vermola system is related to obtaining service listings and channel listings for particular areas, the manner in which it is accomplished is different from the claimed features. Vermola does not utilize a broadcast wave which includes a digital video signal, digital audio signal and service information with the broadcast station name and broadcast target area that enables accurate position location and obtaining of the channels for that particular location. In contrast, Vermola requires separately obtaining broadcast parameters, separately identifying the location of the device and then obtaining the channels for that location based on this information. This is the same as the prior art discussed in Applicants' background section and different from the claimed present invention.

In view of the above, Applicants respectfully submit that Vermola fails to teach these certain features of Applicants' independent claims 1, 7 and 8 as required. Further, Morisada et al. fails to remedy the deficiencies of Vermola. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

**Conclusion**


For at least the reasons above, it is respectfully submitted that claims 1-8 are distinguished from the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: **November 17, 2008**

Respectfully submitted,

By   
Chad J. Billings  
Registration No.: 48,917  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicants